REMARKS/ARGUMENTS

Claims 1-15 are listed in this application. Claims 1 and 7 are independent. By way of this Amendment, claims 1, 2, 7, and 8 are amended. Claims 13-15 are new. Applicant respectfully submits that this Amendment does not add any new matter.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

On pages 2-4, the Office Action rejects claims 1 and 7 under 35 U.S.C. § 103(a) as allegedly unpatentable over Pub. No. US2007/0086484 to Quigley et al. ("Quigley") in view of Pub. No. US2002/0056125 to Hodge et al. ("Hodge"). On pages 4-6, the Office Action rejects claims 2-6 and 8-12 under 35 U.S.C. § 103(a) as allegedly unpatentable over Quigley in view of Hodge, and further in view of U.S. Patent No. 7,606,155 to Higashida ("Higashida").

Independent claim 1 recites "a segregation circuit, coupled to the input terminal that identifies predetermined data and separates incoming high-priority data from incoming low-priority data" (emphasis added). Similar subject matter appears in independent claim 7. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 3, the Office Action correctly concedes that Quigley does not disclose a segregation circuit. To remedy this admitted deficiency, the Office Action then applies Hodge's teachings, alleging that Hodge provides a buffering module, a re-

packetization module, and a synchronizing module. The Office Action fails to specifically identify any of these modules as equivalent to the claimed circuit.

In response, Applicant respectfully submits that Hodge actually discloses that a re-packetization module "combines the packets of video, data, voice, or control packets." See paragraph [0111]. Hodge fails to provide any module that separates incoming high-priority data from incoming low-priority data.

Independent claim 1 recites "a framer, coupled to the segregation circuit and the memory, that fragments the segregated data" (emphasis added). Similar subject matter appears in independent claim 7. Paragraph [0026] of the published version of the specification, for example, provides support for this subject matter. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 3, the Office Action alleges that Quigley provides this subject matter. In response, Applicant respectfully submits that because Quigley lacks a segregation circuit, as admitted by the Office Action, Quigley cannot disclose a framer that fragments segregated data. Moreover, as described above, Hodge cannot remedy the admitted deficieny of Quigley because Hodge also lacks the recited segregation circuit.

For the reasons listed above, Applicant respectfully submits that independent claims 1 and 7 are allowable over the references of record and requests that the rejections of claims 1 and 7 under 35 U.S.C. § 103(a) be withdrawn.

Dependent claim 2 recites "the memory stores a fragmentation threshold parameter that is set to be greater than the length of the incoming high-priority data and less than the length of the incoming low-priority data" (emphasis added). Similar subject matter appears in dependent claim 8. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

Dependent claim 2 recites "the framer frames the incoming high-priority data and the incoming low-priority data based at least in part of the fragmentation threshold parameter" (emphasis added). Similar subject matter appears in dependent claim 8. Applicant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

Claim 2 also depends from claim 1 and claim 8 depends from claim 7. Thus, claims 2 and 8 are also allowable due to their respective dependencies from allowable base claims. Therefore, Applicant respectfully requests that the rejections of claims 2 and 8 under 35 U.S.C. § 103(a) be withdrawn.

Claims 3-6 depend from claim 1 and claims 9-12 depend from claim 7. Thus, claims 3-6 and 9-12 are allowable at least due to their respective dependencies from allowable base claims. Therefore, Applicant respectfully requests that the rejections of claims 3-6 and 9-12 under 35 U.S.C. § 103(a) be withdrawn.

NEW CLAIMS 13-15

Claim 13 recites: "wherein the segregation circuit is outside of a modem" (emphasis added). Paragraph [0024] of the published version of the specification, for example, provides support for this subject matter.

Claim 14 recites: "wherein the segregation circuit is coupled between a modem and a data input / output (I/O) terminal" (emphasis added). Paragraph [0021] of the published version of the specification, for example, provides support for this subject matter.

Claim 15 recites: "wherein the segregation circuit only operates on input data" (emphasis added). Paragraph [0021] of the published version of the specification, for example, provides support for this subject matter.

Claims 13-15 depend from claim 1. Thus, claims 13-15 are allowable at least due to their dependency from an allowable base claim.

CONCLUSION

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the attorney overseeing the application file, David L. Schaeffer, of NXP Corporation at (212) 876-1592.

Respectfully submitted,
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Date: April 22, 2011

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